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The CASE of *John Peachey* Esq. Elected one of
the Burgesses for *Portsmouth* in the County of
Southampton, to Serve in this present Parliament.

1679.

That the said Burrough of *Portsmouth*, is an ancient Burrough, and as such hath in all ages sent Burgesses to Parliament, as appears by the most ancient Parliament-Writs and Returns now extant in the *Tower*.

That very rarely or never before the time of *Henry* the Eight, or *Henry* the Seventh, any Burroughs procured any Charters to elect Burgesses, for they were then and before so far from desiring it, that they in respect of wages often petitioned to be excused for poverty, many times lost it by disuse, and for want of claim.

That the Burgesses for Parliament, have in all ages (as will be made appear, as well by the ancient Returns by Schedules, as also by the first Indentures extant; and by the Indentures in all Kings Reigns since) been chosen by the *Commonalty* of the said Burrough, and the Election of them so is not restrained by any Charter granted the Corporation, to a fewer number, which if it had been done, yet would not have taken away the Commons right to such choice, which they before had and enjoyed.

That Mr. *Peachey* the fifteenth of *February* last (while he was in *London*) was unanimously chosen by the Freeholders and Commons, whereof neer Eighty were Freeholders.

Sir *John Kempthorn* having about fifty for him, and those for the most part of the incorporate Burgesses, now pretends a sole right in the Corporation to those, with exclusion of the Commons.

That if the Commons right to this choice be not asserted, no choice can be there indifferently made, for they allow all incorporated persons to a choice, and have made free of their Incorporation so many Garrison-Officers, viz. Captains, Lieutenants, Ensignes, &c. Ship-Officers, Captains, Lieutenants, Purfers, Boatswains, &c. and so many Dock-Officers, Builders, &c. Custom-house-Officers, and other persons of dependance, that those of the Corporation which live in or neer the Town as householders, are not considerable to the other in number or boldness.

'Tis pretended that for two or three times last past, the Corporation solely hath Elected and Returned.

Resp. Although the late Returns be made under the Common-seal, and by the name of Incorporation, as for some time it hath been, and as is done in other Burroughs incorporate, where yet the Commonalty have a share in the Election, yet the Commons at the times appointed for Elections have claimed their right, and concurred in the Election, so long as persons fitting were proposed, but now for considerable reasons have differed therein.

The now Major Mr. *Shales* being an Officer at the Dock, and so a man of dependance, and Sir *John Kempthorn* being the Kings Commissioner of the Dock there, the said Major would not, although often desired and advised, return Mr. *Peachey's* Indenture.

Against which injurious dealing Mr. *Peachey*, on behalf, and for asserting the Commons right, hath Petitioned the Honourable House of Commons for relief.

The same Town deserves great and speedy consideration at this time of danger, both as to its Fortifications and provisions, which have been much neglected, as will appear by inspection, but by whose default I know not.